

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-2131**

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In Re: LORENZA PORTER,

Petitioner.

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On Petition for Writ of Mandamus.  
(3:95-cr-00080-RLW)

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Submitted: February 21, 2008 Decided: February 25, 2008

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Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Lorenza Porter, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lorenza Porter petitions for a writ of mandamus for an order re-sentencing him with respect to his 1996 conviction for conspiracy to possess with the intent to distribute and to distribute cocaine, cocaine base, and heroine, in violation of 21 U.S.C. § 846. He also challenges our decision in United States v. Bowens, 224 F.3d 302 (4th Cir. 2002), and apparently seeks an order overturning it. We conclude that Porter is not entitled to mandamus relief.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Porter is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED